

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

**WILLIAM HAWKINS, on behalf of himself
and all others similarly situated,**

*

Plaintiffs,

*

v.

Civil Action No: 08-55-GMS

*

**DAMON'S INTERNATIONAL, INC. d/b/a,
DAMON'S GRILL; PRIS-MM, LLC d/b/a,
DAMON'S GRILL WILMINGTON; and
ALLIANCE DEVELOPMENT GROUP, LLC,**

*

Defendants.

*

* * * * *

ANSWER TO FIRST AMENDED CLASS ACTION COMPLAINT

PRIS-MM, LLC, Defendant, by its attorney, Ronald Drescher and Drescher & Associates, P.A., hereby answers the First Amended Class Action Complaint served upon it, and in answer to said Complaint says:

1. Defendant admits the allegations set forth in paragraph 1.
2. Defendant admits the allegations set forth in paragraph 2.
3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 and, therefore, denies the allegations.
4. Defendant denies the allegations set forth in paragraph 4, inasmuch as such allegations are legal conclusions to which a response is not required.
5. Defendant denies the allegations set forth in paragraph 5.
6. Defendant denies the allegations set forth in paragraph 6.
7. Defendant admits the allegations set forth in paragraph 7.

8. Defendant admits the allegations set forth in paragraph 8.
9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 and, therefore, denies the allegations.
10. Defendant admits the allegations set forth in paragraph 10.
11. Defendant admits that it operated Damon's Grill at 4000 Concord Pike, Wilmington, Delaware 19803, however, it denies the remaining allegations set forth in this paragraph.
12. Defendant admits that Defendant Alliance Development Group, LLC is incorporated but denies the remaining allegations set forth in paragraph 12, but it was without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the remaining paragraph 12 and, therefore, denies the allegations.
13. Defendant denies the allegations set forth in paragraph 13.
14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 and, therefore, denies the allegations.
15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 15 and, therefore, denies the allegations.
16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 16 and, therefore, denies the allegations.
17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 17 and, therefore, denies the allegations.
18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 18 and, therefore, denies the allegations.
19. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 19 and, therefore, denies the allegations.

20. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 20 and, therefore, denies the allegations.
21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 21 and, therefore, denies the allegations.
22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 22 and, therefore, denies the allegations.
23. Defendant denies the allegations set forth in paragraph 23.
24. Defendant denies the allegations set forth in paragraph 24.
25. Defendant denies the allegations set forth in paragraph 25.
26. Defendant denies the allegations set forth in paragraph 26.
27. Defendant denies the allegations set forth in paragraph 27.
28. Defendant denies the allegations set forth in paragraph 28.
29. Defendant denies the allegations set forth in paragraph 29.
30. Defendant denies the allegations set forth in paragraph 30.
31. Defendant denies the allegations set forth in paragraph 31.
32. Defendant denies the allegations set forth in paragraph 32.
33. Defendant denies the allegations set forth in paragraph 33.
34. Defendant denies the allegations set forth in paragraph 34.
35. Defendant denies the allegations set forth in paragraph 35.
36. Defendant denies the allegations set forth in paragraph 36.
37. Defendant denies the allegations set forth in paragraph 37.
38. Defendant denies the allegations set forth in paragraph 38.
39. Defendant denies the allegations set forth in paragraph 39.

40. Defendant denies the allegations set forth in paragraph 40.
41. Defendant denies the allegations set forth in paragraph 41.
42. Defendant denies the allegations set forth in paragraph 42.
43. Defendant denies the allegations set forth in paragraph 43.
44. Defendant denies the allegations set forth in paragraph 44.
45. Defendant denies the allegations set forth in paragraph 45.
46. Defendant denies the allegations set forth in paragraph 46.
47. There are no allegations set forth in paragraph 47 to either admit or deny.
48. Defendant denies the allegations set forth in paragraph 48.
49. Defendant denies the allegations set forth in paragraph 49.
50. Defendant denies the allegations set forth in paragraph 50.
51. Defendant denies the allegations set forth in paragraph 51.
52. Defendant denies the allegations set forth in paragraph 52.
53. Defendant denies the allegations set forth in paragraph 53.
54. There are no allegations set forth in paragraph 54 to either admit or deny.
55. Defendant denies the allegations set forth in paragraph 55.
56. Defendant denies the allegations set forth in paragraph 56.
57. Defendant denies the allegations set forth in paragraph 57.
58. Defendant denies the allegations set forth in paragraph 58.
59. Defendant denies the allegations set forth in paragraph 59.
60. Defendant denies the allegations set forth in paragraph 60.

Affirmative Defenses

First

The Complaint fails to state a claim upon which relief can be granted.

Second

The Complaint is barred, in whole or in part, by the doctrine of accord and satisfaction.

Third

The Complaint is barred, in whole or in part, by the doctrine of collateral estoppel.

Fourth

The Complaint is barred, in whole or in part, by the doctrine of estoppel.

Fifth

The Complaint is barred, in whole or in part, by the doctrine of laches.

Sixth

The Complaint is barred, in whole or in part, as a result of payment.

Seventh

The Complaint is barred, in whole or in part, by the appropriate statute of limitations.

Eighth

The Complaint is barred, in whole or in part, by waiver.

Ninth

The Defendant reserves the right to assert any further affirmative defenses as may be asserted by any other defendant in this proceeding, or as may be raised through discovery.

Respectfully submitted,

/s/ Ronald J. Drescher
Ronald J. Drescher, Esquire
Bar No. 4087

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Attorneys for Defendant

Certificate of Service

I HEREBY CERTIFY that on this 25th day of March 2008, a copy of the foregoing Answer to Complaint was mailed, by first class mail, postage prepaid, to:

Elizabeth M. McGeever, Esquire
J. Clayton Athey, Esquire
Prickett, Jones & Elliott, P.A.
1310 King Street, Box 1328
Wilmington, DE 19899

/s/ Ronald J. Drescher
Ronald J. Drescher, Esquire